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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,280	05/19/2004	Chih-Wei Wang	17778	6631

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GARDEN CITY, NY 11530

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/849,280

Applicant(s)

WANG, CHIH-WEI

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **Specification**

1. The disclosure is objected to because of the following informalities: on page 4, line 27, "substantially banana-shaped tray..." is informal.

Appropriate correction is required.

### **Claim Objections**

2. Claims 1, 5, 6, and 8 are objected to because of the following informalities: the claims include a number of grammatical informalities: in claim 1, line 13, "and escaped from the frame unit"; in claim 5, line 3, "for receive..."; in claim 6, line 1, "the another end"; in claim 8, line 2, "for at least shield partially...". Appropriate correction is required.

### **Claim Terminology**

3. The instant application includes claims having multiple dependencies. For the purpose of this office action, multiple dependent claims, when referred to separately, are referred to by their numeral and the numeral of the claim from which they depend. For example, claim 7 as dependent from claim 1, would be referred to as "7/1".

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 7/1, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartenstine (US 7,017,922; filed 3/26/03). Hartenstine teaches a tray device which may be connected to a frame unit (109) of a stroller, the tray device including a tray body (300) having a top covering portion which covers at least a portion

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of an operating mechanism; the tray having at least a pair of guiders (320, left and right in figure 18), a slider (310) having a first groove (318, proximate 314) which receives one of the guiders, an operating unit (312) having a coupling piece and second groove (318, proximate 340); which receives the other of the guiders (320); the operating unit being substantially connected to the slider (proximate 316); an elastic member (324) having a pair of opposed ends, one connected to the slider, one connected with the tray body (e.g., leftmost element 320); the slider and operating unit arranged to be connected with the frame unit when the operating element is not operated, and configured so as to be pivotable about a connection on the opposed end of the tray (see phantom, figure 1) when the operating unit is operated, to swing to a rotated position, the frame having a neck portion (109, 330) which connects with at least one end of the tray, the frame unit having a tongue-shaped stake (334) and the slider having a hole formed adjacent a rib portion (344) wherein the stake and hole are connected with the frame and tray are connected; the tray having an aperture (see figure 16) wherein a distal head portion (end of 312) of the operating unit protrudes through the aperture.

### **Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 4, and 7/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartenstine et al. (cited above). The reference to Hartenstine et al. is discussed above.

As regards claim 3, the reference fails to teach the operating unit and elastic member being provided at each end of the tray, to allow either single one of the operating units to be disengaged, allowing pivoting in one or another direction, or wherein an engagement of both allows removal of the tray. The duplication of parts already taught by the prior art, for the purpose of enhancing or duplicating the effect of a

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single part/group or parts, is understood to be within the skill of the ordinary practitioner, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a latching operating unit/slider assembly already taught by Hartenstine et al. on one end of the tray, one each end of the tray, for the purpose of allowing the tray to be pivoted in one of two directions, facilitating use, for example, by both right- and left-handed users.

As regards claim 4, the reference fails to teach the stake portions being provided on the slider and the hole portion being provided on the frame unit. The reversal of interengaging elements in a connection arrangement is understood to be well within the skill of the ordinary practitioner, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to reverse the relative positions of the stake and hole portions of the slider and frame elements taught by Hartenstine et al. (i.e., provide the stake on the slider portion and the hole on the frame portion) for the purpose of simplifying the structure on the stroller frame, so as to prevent clothing from being snagged on the stake portions, for example when the stroller is used without the tray.

#### **Allowable Subject Matter**

8. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5 and 6 are additionally objected to for minor grammatical informalities, but would be allowable if rewritten as set forth above, and to include correction of the informalities set forth in the section entitled "Claim Objections" above.

#### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishikura et al. (US 5,123,767), Cone et al. (US 5,257,799), Baccili et al. (US 5,816,648), Yang et al. (US 6,368,006), Cheng (US 6,478,503), Ouano (US 6,520,463), Asbach et al. (US 6,877,801), and Hsia (US 6,698,773) teach stroller connection elements of pertinence.

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10. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



4/24/06